

*A Partnership Including
Professional Corporations*
600 13th Street, N.W.
Washington, D.C. 20005-3096
(202) 756-8000

Main Facsimile No. (202) 756-8087
Facsimile Operator No. (202) 756-8090

Boston
Chicago
London
Los Angeles
Miami
Moscow
Newport Beach
New York
St. Petersburg
Silicon Valley
Vilnius
Washington, D.C.

MCDERMOTT, WILL & EMERY

FACSIMILE

FROM:

Attorney:	Wesley L. Strickland	Direct Phone:	202-756-8617
Attorney's E-Mail:	<u>Wstrickland@mwe.com</u>		
Secretary:	Constance Collins	Direct Phone:	202-756-8659
Client/Matter/Tkpr:	38188-382	Date:	Time Sent:

Number of pages including this page: -3-

TO:

Name:	Examiner K.H. Lee	Facsimile No.	703-746-5543
Company:	U.S. Patent & Trademark Office	Contact No.	

MESSAGE: Per your request, attached is the Request to Withdraw Finality. Please confirm safe receipt by return facsimile or telephone call to me or Constance Collins at the numbers listed above. Thank-you.

CERTIFICATION OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER IS BEING
FACSIMILE TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE ON THE DATE SHOWN BELOW

Constance Collins

Const. Collins _____
SIGNATURE DATE 8/22/02

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

Docket No.: 38188-382

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : **RESPONSE UNDER 37 CFR 1.116**
: **EXPEDITED PROCEDURE**

Alan K. GORENSTEIN :

Serial No.: 09/766,636 : Group Art Unit: 2162

Filed: January 23, 2001 : Examiner: K.H. Le

For: SYSTEM AND METHOD FOR COMPOSITE CUSTOMER SEGMENTATION

REQUEST TO WITHDRAW THE FINALITY OF OFFICE ACTION
DATED JULY 31, 2002

BOX AFCommissioner for Patents
Washington, DC 20231

Sir:

The undersigned hereby requests that the finality of the Office Action, dated July 31, 2002, be withdrawn for the following reasons.

An Amendment was filed May 14, 2002, in response to the non-final Office Action of February 26, 2002. In that Amendment, claims 2 and 19 were amended, the application thereupon having claims 1 through 21 pending, with claims 1, 5, 16 and 18 being independent claims.

In the Office Action dated February 26, 2002, claims 2-4, 14, 15 and 19-21 were rejected under the second paragraph of 35 USC §112. Also, claims 1-21 were rejected under 35 USC §103 as unpatentable over two articles Equifax in view of Data Mining. In contrast, the Final Office Action of July 31, 2002 rejects claims 1-21 under 35 U.S.C. §102 as anticipated by a newly applied reference "Bayesian Model Averaging". Although claims 2 and 19 were

Appln. Serial No.: 09/766,636

amended in response to the rejection under 35 USC §112, claims 1, 3-18, 20 and 21 remained unchanged and in particular, independent claims 1, 5, 16 and 18 were not amended. Thus, claims 1, 3-8, 20 and 21 are rejected on a new ground that is neither necessitated by Applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.979(c). It is submitted, therefore, that the finality of the Office Action is premature (Please see MPEP 706.07(a); 706.07(d)). Withdrawal of the finality of the rejection and is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Wesley L. Strickler

Wesley L. Strickland
Registration No. 44,363

600 13th Street, N.W.
Washington, DC 20005-3096
(202)756-8000 WLS:MWE
Facsimile: (202)756-8087
Date: August 22, 2002

CERTIFICATION OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER IS BEING
FACSIMILE TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE ON THE DATE SHOWN BELOW

Constance Collins
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION
Constance Collins - 8/23/02
SIGNATURE DATE